

TITLE IV—MOTOR CARRIER SAFETY

SEC. 4001. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

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SEC. 4008. SAFETY REGULATION.

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(b) APPLICATION OF REGULATIONS TO CERTAIN COMMERCIAL MOTOR VEHICLES.—Effective on the last day of the 1-year period beginning on the date of enactment of this Act, regulations prescribed under section 31136 of title 49, United States Code, shall apply to operators of commercial motor vehicles described in section 31132(1)(B) of such title (as amended by subsection (a)) to the extent that those regulations did not apply to those operators on the day before such effective date, except to the extent that the Secretary determines, through a rulemaking proceeding, that it is appropriate to exempt such operators of commercial motor vehicles from the application of those regulations.

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SEC. 4012. EXEMPTION FROM CERTAIN REGULATIONS FOR UTILITY SERVICE COMMERCIAL MOTOR VEHICLE DRIVERS.

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(b) CONTINUED APPLICATION OF SAFETY AND MAINTENANCE REQUIREMENTS.—

(1) IN GENERAL.—The amendment made by subsection (a) may not be construed—

(A) to exempt any utility service vehicle from compliance with any applicable provision of law relating to vehicle mechanical safety, maintenance requirements, or inspections; or

(B) to exempt any driver of a utility service vehicle from any applicable provision of law (including any regulation) established for the issuance, maintenance, or periodic renewal of a commercial driver's license for that driver.

(2) DEFINITIONS.—In this subsection, the following definitions apply:

(A) COMMERCIAL DRIVER'S LICENSE.—The term “commercial driver's license” has the meaning that term has under section 31301 of title 49, United States Code.

(B) DRIVER OF A UTILITY SERVICE VEHICLE.—The term “driver of a utility service vehicle” has the meaning that term has under section 31502(e)(2) of such title.

(C) REGULATION.—The term “regulation” has the meaning that term has under section 31132 of such title.

(D) UTILITY SERVICE VEHICLE.—The term “utility service vehicle” has the meaning that term has under section 345(e)(6) of the National Highway System Designation Act of 1995 (49 U.S.C. 31136 note; 109 Stat. 614–615).

SEC. 4014. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS; LIMITATION ON LIABILITY.

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(c) SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.—

(1) MATTERS TO BE INCLUDED.—As part of the rulemaking that the Secretary is conducting under section 114 of the Hazardous Materials Transportation Authorization Act of 1994 (108 Stat. 1677–1678) to amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), the Secretary shall amend such section 391.23 (in addition to the matters set forth in such section 114) to provide protection for driver privacy and to establish procedures for review, correction, and rebuttal of the safety performance records of a commercial motor vehicle driver.

(2) COMPLETION.—The rulemaking and the amendments referred to in paragraph (1) shall be completed by January 31, 1999.

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SEC. 4017. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and may consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not more than

\$250,000 for each of fiscal years 1999 through 2003 to carry out this section.

SEC. 4018. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) assess the possible legal consequences of permitting insulin treated diabetes mellitus individuals to drive commercial motor vehicles in interstate commerce;

(4) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(5) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(6) consult with interested groups knowledgeable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 4019. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, in-

cluding identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—The Secretary may issue regulations under section 31305 of title 49, United States Code, reflecting the results of the review.

SEC. 4020. POST-ACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing law enforcement officers for conducting post-accident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information. The study shall also assess the impact of the current post-accident alcohol testing requirements on motor carrier employers, including any burden that employers may encounter in meeting the testing requirements of such section 31306.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the study, together with such recommendations as the Secretary determines appropriate.

SEC. 4021. DRIVER FATIGUE.

(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(2) MATTERS TO BE TAKEN INTO ACCOUNT.—In carrying out paragraph (1), the Secretary shall take into account—

(A) the degree to which the technology will be cost efficient;

(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(3) FUNDING.—The Secretary may use amounts made available under section 5001(a)(2) of this Act.

(b) NONSEDATING MEDICATIONS.—The Secretary shall review available information on the effects of medications (including antihistamines) on driver fatigue, awareness, and performance and shall consider encouraging, if appropriate, the use of nonsedating medications (including nonsedating antihistamines) as a means of reducing the adverse effects of the use of other medications by drivers.

SEC. 4022. IMPROVED FLOW OF DRIVER HISTORY PILOT PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall carry out a pilot program in cooperation with 1 or more States to improve upon the timely exchange of pertinent driver performance and safety records data to motor carriers.

(2) PURPOSE.—The purpose of the program shall be to—

(A) determine to what extent driver performance records data, including relevant fines, penalties, and failures to appear for a hearing or trial, should be included as part of any information systems under the Department of Transportation's oversight;

(B) assess the feasibility, costs, safety impact, pricing impact, and benefits of record exchanges; and

(C) assess methods for the efficient exchange of driver safety data available from existing State information systems and sources.

(3) COMPLETION DATE.—The pilot program shall end on the last day of the 18-month period beginning on the date of initiation of the pilot program.

(b) RULEMAKING.—After completion of the pilot program, the Secretary shall initiate, if appropriate, a rulemaking to revise the information system under section 31309 of title 49, United States Code, to take into account the results of the pilot program.

SEC. 4023. EMPLOYEE PROTECTIONS.

Not later than 2 years after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Labor, shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the effectiveness of existing statutory employee protections provided for under section 31105 of title 49, United States Code. The report shall include recommendations to address any statutory changes necessary to strengthen the enforcement of such employee protection provisions.

SEC. 4024. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to determine whether or not relevant commercial motor carrier safety regulations issued under section 31136 of title 49, United States Code, should apply to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).

SEC. 4025. TRUCK TRAILER CONSPICUITY.

(a) ISSUANCE OF FINAL RULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule regarding the conspicuity of trailers manufactured before December 1, 1993.

(b) CONSIDERATIONS.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993.

(2) The extent to which motor carriers have voluntarily taken steps to increase equipment visibility.

(3) Regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

SEC. 4026. DOT IMPLEMENTATION PLAN.

(a) ASSESSMENT.—Not later than 18 months after the date of enactment of this section, the Secretary shall assess the scope of

the problem of shippers, freight forwarders, brokers, consignees, or other persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers) encouraging violations of chapter 5 of title 49, United States Code, or a regulation or order issued by the Secretary under such chapter.

(b) **SUBMISSION OF IMPLEMENTATION PLAN.**—After completion of the assessment under subsection (a), the Secretary may submit to the Congress a plan for implementing authority (if subsequently provided by law) to investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or regulations or orders issued by the Secretary under such chapter with respect to persons described in subsection (a).

(c) **CONTENTS OF IMPLEMENTATION PLAN.**—In developing the implementation plan under subsection (b), the Secretary shall consider, as appropriate—

(1) in what circumstances the Secretary would exercise the new authority;

(2) how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations described in subsection (a), including what types of evidence would be conclusive;

(3) what procedures would be necessary during investigations to ensure the confidentiality of shipper contract terms prior to the Secretary's findings of violations;

(4) what impact the exercise of the new authority would have on the Secretary's resources, including whether additional investigative or legal resources would be necessary and whether the staff would need specialized education or training to exercise properly such authority;

(5) to what extent the Secretary would conduct educational activities for persons who would be subject to the new authority; and

(6) any other information that would assist the Congress in determining whether to provide the Secretary the new authority.

SEC. 4027. STUDY OF ADEQUACY OF PARKING FACILITIES.

(a) **STUDY.**—The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study may be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

(b) **REPORT.**—Not later than the 3 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(c) **FUNDING.**—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1999, 2000,

and 2001, the Secretary may use not to exceed \$500,000 per fiscal year to carry out this section.

SEC. 4028. QUALIFICATIONS OF FOREIGN MOTOR CARRIERS.

(a) REVIEW.—Not later than 90 days after the date of enactment of this Act, the Secretary shall review—

(1) the qualifications of any foreign motor carrier, the application for which has not been processed due to the moratorium on the granting of authority to foreign carriers to operate in the United States, to operate as a motor carrier in the United States; and

(2) the carrier's likely ability to comply with applicable laws and regulations of the United States.

(b) USE OF REVIEW.—The review conducted under subsection (a) shall not constitute a finding by the Secretary under section 13902 of title 49, United States Code, that a motor carrier is willing and able to comply with requirements of such section. The results of the review may be used by the Secretary as the Secretary determines appropriate.

(c) REPORT.—Not later than 120 days after the date of enactment this Act, the Secretary shall submit a report on the results of the review to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. The report shall include—

(1) any findings made by the Secretary under subsection (a);

(2) information on which carriers have applied to the Department of Transportation under that section; and

(3) a description of the process utilized to respond to such applications and to review the safety fitness of those carriers.

SEC. 4029. FEDERAL MOTOR CARRIER SAFETY INSPECTORS.

The Department of Transportation shall maintain at least the number of Federal motor carrier safety inspectors for international border commercial vehicle inspections as in effect on September 30, 1997, or provide for alternative resources and mechanisms to ensure at least an equivalent level of commercial motor vehicle safety inspections. Such funds as are necessary to carry out this section shall be made available within the limitation on general operating expenses of the Department of Transportation.

SEC. 4030. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall offer to enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct, subject to the availability of appropriations, a study of the safety issues attendant to the transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement under subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, shall consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data;

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety; and

(C) other factors that the Secretary considers to be appropriate;

(2) if the data referred to in paragraph (1)(A) is unavailable or insufficient, the Transportation Research Board shall recommend a new data collection regimen and implementation guidelines; and

(3) a panel shall conduct the study and shall include—

(A) representatives of—

(i) highway safety organizations;

(ii) school transportation;

(iii) mass transportation operators;

(iv) employee organizations; and

(v) bicycling organizations;

(B) academic and policy analysts; and

(C) other interested parties.

(c) **REPORT.**—Not later than 12 months after the Secretary enters into an agreement under subsection (a), the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that contains the results of the study.

(d) **AUTHORIZATION.**—There are authorized to be appropriated to the Department of Transportation to carry out this section \$200,000 for fiscal year 2000 and \$200,000 for fiscal year 2001. Such sums shall remain available until expended.

SEC. 4031. DESIGNATION OF NEW MEXICO COMMERCIAL ZONE.

(a) **GENERAL RULE.**—Notwithstanding the provisions of section 13902(c)(4)(A) of title 49, United States Code, the New Mexico Commercial Zone shall be a commercial zone for purposes of transportation of property only under section 13506(b) of such title.

(b) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with other Federal agencies that have responsibilities over traffic between the United States and Mexico.

(c) **SUBMISSION OF PLAN.**—Not later than 3 months after the date of enactment of this Act, the State of New Mexico shall submit to the Secretary a plan describing how the State will monitor commercial motor vehicle traffic and enforce safety regulations.

(d) **SAVINGS PROVISION.**—Nothing in this section shall affect any action commenced or pending before the Secretary or Surface Transportation Board before the date of enactment of this Act.

(e) **NEW MEXICO COMMERCIAL ZONE DEFINED.**—In this section, the term “New Mexico Commercial Zone” means the area that is comprised of Dona Ana County and Luna County in New Mexico.

(f) **DESIGNATION.**—The designation and operation of the New Mexico Commercial Zone shall become effective upon the date of enactment of this Act.

SEC. 4032. EFFECTS OF MCSAP GRANT REDUCTIONS.

(a) **STUDY.**—The Secretary shall conduct a study on the effects of reductions of grants under section 31102 of title 49, United States Code, due to nonconformity of State intrastate motor carrier, commercial motor vehicle, and driver requirements with Federal interstate requirements. In conducting the study, the Secretary shall consider, at a minimum—

(1) national uniformity and the purposes of the motor carrier safety assistance program;

(2) State motor carrier, commercial motor vehicle, and driver safety oversight and enforcement capabilities; and

(3) the safety impacts, costs, and benefits of full participation in the program.

(b) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

(c) **ADJUSTMENT OF STATE ALLOCATIONS.**—The Secretary is authorized to adjust State allocations under section 31103 of title 49, United States Code, to reflect the results of the study.